

Matthew T Mglej
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Plaintiff

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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

MATTHEW MGLEJ	PLAINTIFF MATTHEW MGLEJ'S VOIR DIRE
Plaintiff	Case Number: <u>3:15-cv-00096-MO</u>
MULTNOMAH COUNTY, et al.	Honorable Judge: <u>Michael W. Mosman</u>
Defendants	

I. GENERAL

1. Would you have any hesitancy in reaching a verdict for Mr. Mglej merely because he is Representing him self Pro Se or advocating on one's own behalf before a court, rather than being represented by a lawyer
2. Does any of you have any prior experience on a jury? If so, please describe
3. Does any of you have a friend or close relative that has been involved as a plaintiff or defendant in a lawsuit for money damages? If so, please describe.,
4. Have any of you testified before a state or federal grand jury or in a court of law or been a witness in a lawsuit" If so, please describe.
5. Have you ever studied law, criminal justice or medicine? If so, please explain.
6. If the case before you indicates that damage should be awarded, will you be

willing to award a sum of money for the full amount of damages proved, regardless of how high it is?

7. Does any of you feel that a person should not have a right to bring a lawsuit requesting damages if he or she is injured due to the fault of another party? If so, please explain why.

8. Does any of you feel that people generally bring too many lawsuits? If so, please explain why you feel this way. Would such a feeling prevent you from awarding full, fair and adequate damages to the plaintiff, Matthew T Mglej, in this case, if the evidence supports the awarding of such damages? If yes, please explain.

9. There are two aspects to this case. First, you will determine whether the conduct of the defendants makes them liable to the plaintiff, Mr. Mglej, for the injuries he suffered. Only if you find a defendant liable do you then move on to determine damages. Would any of you, if the evidence supported a finding that one or more defendants is liable to the plaintiff, Pablo Rosa, have any hesitancy in awarding full, fair and adequate damages based upon the evidence, to Pablo Rosa, to compensate him for the injuries he has sustained? If yes, please explain.

10. Have you or anyone close to you ever been employed in any capacity by an law enforcement agency?

a. Is that yourself or someone else?

b. If someone else, what is the relationship to you?

c. What position do you/she/he hold?

d. For how long?

e. Have any complaints of any misconduct or unreasonable force been filed against you/she/he? If yes, please explain.

11. If no, have you or anyone else close to you ever applied for a job in law enforcement?

a. Have you ever contemplated applying for a law enforcement job of any kind? If yes, please explain.

b. Do you ever have occasion to discuss police work – especially the dangers of police work with anyone you know who is in the field of law enforcement? If yes,

please explain.

c. What did you discuss?

d. What are your impressions about the dangers and duties of police work?

e. What concern do you have, if any, about that person's safety on the job?

f. This is a case that concerns law enforcement against civil rights of individuals. Would your knowledge of police work that you obtained from the person who you described that is involved in law enforcement make it difficult for you to view the plaintiff's concerns, in this case, that his civil rights were violated, objectively? If yes, please explain.

12. What contact have you had with police officers or other law enforcement officers through your work? In your neighborhood? In your social life? In any other aspects of your life?

a. Was such contact generally favorable or unfavorable? Please explain.

b. Is your general impression of police officers neutral, favorable or unfavorable based on your encounters with them? Please explain.

13. Do you believe that police officers, in enforcing the law, also have a duty to comply with the law, in all circumstances? Please explain.

14. You will be instructed by the court that all witnesses should be judged, based entirely on the credibility of the testimony which they offer and their demeanor on the witness stand.

a. Do you feel you could comply with this instruction, in this particular case, and not favor one side or the other, just by virtue of who they are? If no, why not.

15. In general, do you think that you would be inclined to give greater weight to the testimony of a police officer than you would to the testimony of an ordinary citizen, just by virtue of the fact that he or she is a police officer? If yes, please state why that is so.

16. Some people feel that police testimony should be given greater weight than the testimony of an ordinary citizen, since police officers are charged with upholding the law. Do any of you feel that way? If yes, why is that so.

17. Have you heard or read about incidents of police misconduct or use of

unreasonable force?

a. If yes, please explain.

b. This case involves allegations of police misconduct. Do you think what you have heard or read would tend to influence you? If yes, please explain.

18. What are your opinions about how the problem of police misconduct should be handled?

19. Do you have an opinion of which is more important, law and order, or preserving people's constitutional rights? If so, what is your opinion.

20. Have you ever expressed any opinions in conversation with others concerning the problems of police brutality or misconduct? If so, what opinions have you expressed, Please discuss.

21. Do you have any opinions regarding Nudist or Nudity

22. What are your opinions about people who suffer from PTSD (Posttraumatic stress disorder)

II. BURDEN OF PROOF

1. Would you follow the Judge's that the plaintiff in this case, Matthew Mglej, has the burden to prove his case by what is called "a fair preponderance of the evidence", which means that he must demonstrate that the facts he presents are likely to be true. In other words, if you assume that the scales stand balanced, the evidence presented by the plaintiff tips the scales ever so slightly in his favor, you must decide for him on that particular issue.

2. In following the Judge's instructions regarding preponderance of the evidence, would you be able to distinguish between the civil standard of preponderance of the evidence, which is a lesser standard of proof, than the criminal standard of beyond a reasonable doubt, since in a criminal case, the scales must be tipped to such an extent that any reasonable doubt as to the guilt of the defendant is eliminated while in a civil case, the plaintiff need only tip the scales slightly in his favor.

III. RIGHTS

1. Are you willing to enforce the civil rights of Mr. Mglej as would any other right he and you are entitled to as citizens of this country?

2. This is a lawsuit brought by private citizen against members of law enforcement. Do you agree that citizens who believe they have been treated illegally or unfairly have a right to bring suit against police officers or Deputies?

- 3. Are you comfortable with trying to decide, after the fact, whether a police officer/deputy had a good reason to use force**
- 4. Do you have any problem with the idea of an ordinary citizen suing a police officer because of actions he claims he took in the line of duty?**
- 5. Some people think that even though the police make mistakes and arrest the wrong person or use more force than necessary, that is the price we have to pay for police protection. Do you agree with them? Please explain.**
- 6. Would you have any hesitancy in reaching a verdict for Mr. Mglej merely because this is a civil rights case against police officers and Multnomah County.**

IV. DAMAGES

A. COMPENSATORY DAMAGES

- 1. Compensatory damages consist of, consistent with the evidence, monies for medical bills, lost wages, pain and suffering, and loss of enjoyment of life's activities and loss of dignity, which, if permanent, may be awarded over the plaintiff's entire expected life span.**
 - a. Does any of you have a problem awarding full, fair and adequate damages covering all of these issues just listed if the evidence supported such an award?**
 - b. Does any of you have any problems with awarding damages, if supported by evidence, for pain and suffering? If yes, please explain.**
 - c. Does any of you have any problems with awarding damages for permanent injuries, covering the plaintiff's entire statistical life expectancy, if supported by the evidence? If yes, please explain.**
 - d. Is there a preconceived amount of damages already set in your mind before you hear this case, above which you do not feel you could go, regardless of the evidence? If so, please explain.**

B. PUNITIVE DAMAGES

- 1. You will also be instructed that punitive damages may be awarded, if liability is found, when the conduct of an individual defendant is so egregious as to exhibit reckless disregard for the rights of the plaintiff, Mr. Mglej, so as to require an award which is additional to compensatory damages, whose purpose is to punish that defendant or deter them from future similar misconduct.**

a. Does any of you believe that you would have difficulty, if the evidence supported it, with the concept of awarding punitive damages, in this particular case? Please explain.

2. The court may instruct you that either side may suggest, in closing argument, a lump sum or formula for you to use in calculating damages, in the event that you first find that one or more of the defendant's is liable in this matter. Would you be able to listen to any such suggested guideline, keeping in mind that it is merely an argument of counsel and that the ultimate decision as to what constitutes fair, just and reasonable damages, is entirely within your discretion?

3. Would you have any hesitancy awarding full damage for Mr. Mglej merely because he is representing him self Pro Se or advocating on one's own behalf before a court, rather than being represented by a lawyer

Humble Obeisance,
Matthew T Mglej

Matthew T. Mglej
1/27/2016